



File NR S2-29750
WR Doc ID 2147409

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
6/30/1998

WATER RIGHT NUMBER
S2-29750

MAILING ADDRESS
JAMES WHITE
PO BOX 204
BEAVER WA 98305

SITE ADDRESS (IF DIFFERENT)
65 WALGREN HEIGHTS DR
PORT ANGELES WA 98363

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE
0.02

UNITS
CFS

ANNUAL QUANTITY (AF/YR)
0.34

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Domestic single	0.02		CFS	0.34		01/01 - 12/31

REMARKS: In house use only. Water may not be available at all times of the year.

Source Location

COUNTY	WATERBODY	TRIBUTARY TO					WATER RESOURCE INVENTORY AREA		
CLALLAM	UNNAMED SPRING						20-SOL DUC-HOH		

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
UNNAMED SPRING	123027220000	N/A	30N	12W	27	NW NW	48.07596	-124.23698

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

123027234500

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Port Townsend Tax Parcel #8459

Proposed Works

Mr. White plans on diverting water from the small unnamed stream using a hose with a screened intake and gravity feed the water to a reservoir tank.

Development Schedule**BEGIN PROJECT**

February 1, 2014

COMPLETE PROJECT

July 1, 2014

PUT WATER TO FULL USE

Feb 1, 2016

Measurement of Water Use

How often must water use be measured?

Monthly

How often must water use data be reported to Ecology?

Upon Request by Ecology

What volume should be reported?

Total Annual Volume

What rate should be reported?

Annual Peak Rate of Withdrawal (gpm or cfs)

Provisions**Measurements, Monitoring, Metering and Reporting**

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water at Southwest Drinking Water Operations, 243 Israel Road S.E., PO Box 47823, Tumwater, WA 98504-7823, (360) 236-3030.

Department of Fish and Wildlife Requirement(s)

The intake(s) may require an HPA and screening in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, Attention: Habitat Program, 600 Capitol Way N, Olympia, WA 98501-1091. Phone: (360) 902-2534 if you have questions about HPA or screening criteria check out <http://wdfw.wa.gov/licensing/hpa/> and <http://wdfw.wa.gov/conservation/habitat/ahb/>.

Easement and Right-of-Way

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will

reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S2-29750, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).


To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Olympia, Washington, this 7th day of November 2013.



Michael J. Gallagher/Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

INVESTIGATOR'S REPORT

Application for Water Right -- White
Water Right Control Number S2-29750
Tammy Hall, Department of Ecology

BACKGROUND

On June 30, 1998 James White filed *Water Right Application* S2-29750 requesting 0.04 cubic feet per second (cfs) and 1 acre-foot per year (a-ft) for domestic supply and stockwater. This project is located in Water Resources Inventory Area 20, the Sol Duc-Hoh.

Attributes of Application

Table 1 Application Summary

<i>Name</i>	<i>James White</i>
Priority Date	6/30/1998
Instantaneous Rate	0.04cfs
Annual Quantity	1 ac-ft per year
Purpose(s) of Use	Domestic Supply/stockwater
Period of Use	Continuous use
Place(s) of Use	Port Townsend Tax Parcel #8459

Table 2 Proposed Point of Withdrawal

<i>Source Name</i>	<i>Parcel</i>	<i>Twp</i>	<i>Rng</i>	<i>Sec</i>	<i>QQ Q</i>	<i>Latitude</i>	<i>Longitude</i>
Unnamed spring	123027220000	30N	12W	27	NW NW	48.07596	-124.23698

Legal Requirements for Approval of Appropriation of Water

RCWs 90.03 and 90.44 authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are addressed in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, Ecology must make determinations on these four criteria in order to approve an application for water rights:

- Water must be available for appropriation.
- There must be no impairment of existing rights.
- The water use must be a beneficial use.
- Approving the application must not be detrimental to the public interest.

Public Notice

The applicant published public notice for this project proposal in *The Forks Forum* of Clallam County once a week for two consecutive weeks beginning on March 28, 2013 and ending April 4, 2013. No protests or letters of concern in response to this notice.

State Environmental Policy Act (SEPA)

A SEPA determination evaluates if a proposed withdrawal will cause significant adverse environmental impacts. A SEPA threshold determination is required for:

- 1) Surface water applications for more than 1 cubic feet per second (cfs). For agricultural irrigation, the threshold increases to 50 cfs, if the project isn't receiving public subsidies.
- 2) Groundwater applications requesting more than 2,250 gpm.
- 3) Projects with several water right applications where the combined withdrawals meet the conditions listed above.
- 4) Projects subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA).
- 5) Applications that are part of several exempt actions that collectively trigger SEPA under WAC 197-11-305.

This application does not meet any of these conditions and is categorically exempt from SEPA.

INVESTIGATION

The material reviewed in support of this application included the following:

- The State Surface Water Codes, administrative rules, and policies.
- Department of Ecology's Water Right Tracking System (WRTS) database.
- Topographic and local area maps.
- Notes from a site visit on August 5, 2013.
- WRIA 20 Watershed planning documents.
- Ecology's Surface Water Source Limitations (SWSL) list.

Project Area Description

The project is located in the Sol Duc-Hoh Water Resource Inventory Area (WRIA) 20 within the watershed for the Sol Duc River. The Sol Duc watershed is located in the northeast corner of WRIA 20 and lies completely within Clallam County. It is comprised of 20 sub-watersheds and drains roughly 219 square miles (Golder, 2005).

The upper portion of the Sol Duc is high country (elevations above 5,000 feet) meadowland with many glacier lakes. These meadowlands drain into steeply incised headwater tributaries and form the rugged Upper and North Fork Sol Duc sub-watersheds (Golder, 2005).

The mainstem gradually broadens below Sol Duc falls and then adopts a lower gradient channel configuration typical of flat valley bottoms. Within the valley lowland reach, Camp, Lake, Bear and Beaver Creeks are all major tributaries with Shuwah Creek to a lesser extent (Golder, 2005).

Lake Pleasant lies between Upper and Lower Lake Creek. Finally, 64.9 river miles from the headwaters, the Sol Duc and Bogachiel Rivers meet to form the Quillayute River, a Pacific Ocean tributary (Golder, 2005).

Project and Proposed Use

James White owns 4.25 acres in the south-facing slopes of Deadmans Hill near Sappho, roughly ½ mile west of Bear Creek. The property is gently to steeply sloping and partially cleared.

Mr. White requests to divert water from an unnamed spring for domestic supply (in house use only). Mr. White plans on diverting water from the small unnamed stream using a hose with a screened intake and gravity feed the water to a reservoir tank.

Although Mr. White also requested water for stockwater, he presently owns no livestock.

Water Demand

The original application requested 0.04 gpm cfs and 1 acre-feet per year, under this application. The water demand for a single residence for year-round use is closer to 0.02 cfs and 0.34 acre-feet per year.

Other Rights Appurtenant to the Place of Use

There are no water rights or claims appurtenant to the place of use under this application.

Mr. White had drilled a well and used it until spring 2013 but the water was of poor quality and did not produce sufficient quantity for a reliable source of potable supply. Since then he has been filling a large water tank on a trailer and transporting it to his home for use.

Beneficial Use

The proposed use of water for domestic supply is defined in statute as a beneficial use (RCW 90.54.020(1)).

Water Availability

The spring originates on the hillside above Mr. White's parcel from seeps and forms a small stream where he intends to divert water. Both the springs and the stream are on property owned by Washington Department of Natural Resources. Mr. White's neighbor, Donald Alexander (Water Right Certificate S2-27503, Verlain Sackett) also diverts water from this same spring/stream for his in-house use at the same location where Mr. White intends to put his diversion.

The unnamed spring/stream appears to be a tributary to Rainey Creek which is a tributary to Beaver Creek. Beaver Creek is a tributary to the Sol Duc River. It is not known if the stream actually contributes flow to the creek. The day of the site visit on August 5, 2013, estimated flow in the unnamed stream was between 3 and 5 gpm. This suggests any water would likely infiltrate the ground before reaching Bear Creek, at least during low flow periods. However, there may be times during the year when water in the unnamed stream contributes flow to Bear Creek.

Because the stream was flowing at such a low rate at the time of the field examination, August 4, 2013, there may be periods during the summer months where water is not available.

Impairment Considerations

Effects to area water users

A WRTS query shows the following within roughly one mile from the proposed POD:

- Water Right Certificate S2-27503 (Verlain Sackett) authorizes diversion of 0.02 cfs and 1 ac-ft for domestic supply for two homes. This is the same source and POD as the subject application. On the day of the field visit, this diversion appeared to be serving one residence.
- Five surface water claims for water use from springs and streams for domestic supply and irrigation. These are different sources than the subject application.
- Two surface water certificates from unnamed sources for recreation, irrigation, and domestic supply. These sources are also different than the subject application.

Area users are not expected to be impaired by the proposed use. With the exception of S2-27503, water users in the area use different sources.

Fisheries and In-stream flow Considerations

There are no fisheries concerns at the proposed POD, although there are documented salmon and trout within roughly ½ mile.

Although minimum instream flows have not been set in WRIA 20, the Washington Department of Fish and Wildlife (WDFW) has recommended denial and low flow provisions for several surface water right applications in WRIA 20. (Golder, 2010) This information is stated in Surface Water Source Limitation (SWSL) letters associated with water right applications and summarized below:

Table 3 SWSL recommendations for the Sol-Duc River

<i>Water Body</i>	<i>Priority Date</i>	<i>Recommendation</i>
Sol Duc River (tributary to Quillayute River)	February 27, 1992	Denial of application, concerns for Coho salmon
Sol Duc River (tributary to Quillayute River)	May 5, 1989	Recommended low flow provisions of 250 cfs October-June and 145 cfs July-September measured at Snider Creek Sanger Station Gage
Snider Creek (tributary to Sol Duc River)	January 11, 1993	Recommended low flow provisions of 215 cfs October-June and 145 cfs July-September measured at Snyder Creek Sanger Station Gage (Sol Duc River)

Historical streamflow data for the Sol-Duc River has been collected at Fairholm from 1917-1980, at Beaver 1921-1928, at Quillayute Road Bridge 1897-1980. Current data is being collected near the Quillayute gage since June 2005. Three stream gaging stations have been operated by the USGS. Ecology installed a gage near the historical site of the USGS gage 12042500 in June 2005 in response to a request from the WRIA 20 Watershed Planning Group (Golder, 2010). Data collected shows SWSL recommended flows are not always met.

In spite of the concerns with surface flows in the Sol-Duc River, any proposed rule will allow surface water use for in house use only when there is no alternative source available. Mr. White attempted to

use a well for his domestic supply purposes, however the well water was unusable and yielded little to no water and there is no public water system available. Water from the proposed source is the only water available.

Public Interest Considerations

Status of watershed planning

The planning group approved their watershed plan in late August 2008. The boards of county commissioners representing Clallam and Jefferson counties held separate public hearings in Port Angeles and Port Townsend, respectively, in September and October 2008. Commissioners from each county then held a joint meeting in Forks in November 2008, where they formally adopted the watershed plan.

As they move into Phase 4, the planning group will re-form as an implementing body consistent with their watershed plan. They will conduct outreach to increase citizen participation and to develop the best approach to write their detailed implementation plan.

The watershed plan addresses some policy-related instream flow recommendations but did not include any numeric recommendations on stream flow. The plan places high priority on developing improved stream gage and habitat data for use in developing the instream flow rule. The data are also important to fisheries management to sustain the current salmon habitat conditions, which are relatively better than other watersheds. Rule development will depend on agency resources.

Availability of an alternative source

There is no well or other alternative water source available. There is also no public water system in this area that is able to serve the White property.

A maximum diversion of .02 cfs and an average of 300 gallons per day, or 0.34 acre-feet per year, is adequate for in-house domestic supply. The proposed appropriation is consistent with local planning and will not be detrimental to the public welfare.

Conclusions

I find that:

- Water is available from proposed source.
- Domestic use is a beneficial use.
- The appropriation, as recommended, will not impair existing rights or in-stream flows.
- Approval of this application will not be detrimental to the public welfare.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- .02 cfs
- 0.34 acre-feet per year
- Purpose: Single domestic in-house use

Proposed Point of Diversion:

- NW¼, NW¼, Section 27 Township 30 North, Range 12 W.W.M.

Place of Use

- As described on Page 1 of this Report of Examination.


Tammy Hall

11/5/2013
Date

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600.

Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Selected References

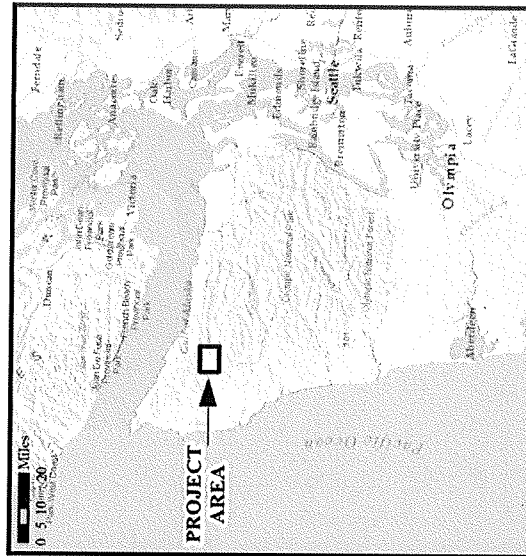
Golder Associates, Inc, 2005, Water Resource Inventory Area 20 (WRIA 20) Final Draft Phase II Technical Assessment Report, May 27, 2005.

Golder Association, Inc, 2009 Water Resource Inventory Area (WRIA) 20 Watershed Management Plan, June 2009.

Golder Association, Inc, 2010 Water Resource Inventory Area (WRIA) 20 Detailed Implementation Plan March 24, 2010.

Attachment #1

Water Right Application S2-29750,
Sec. 27 T30N/R12W
WRIA 20 - Clallam County



Comments:

The Washington State Department of Ecology does not warrant, guarantee, or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, or otherwise.

Map Created 9/23/2013



DEPARTMENT OF
ECOLOGY
Water and Wildland Resources

